

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Registrant's Ref.: IDOL USA TC-06/05449

In re Registration No. 3,049,295
Trademark: IDOL WRITER

-----X
**FREEMANTLE MEDIA NORTH
AMERICA, INC.,**

Petitioner,

- against -

PHILLIP ELDEN,

Registrant.
-----X

Cancellation No. 92045648

07-17-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #2:

MOTION ON CONSENT TO FILE A LATE AMENDED ANSWER

A Cancellation Petition was mailed to Shain Elden, the Registrant's predecessor-in-interest, on March 30, 2006. The Registrant did not receive this mailing (a change of name for address for correspondence had been previously filed on November 10, 2005), and thus the Registrant did not receive timely notice. An order to show cause why default judgment should not be granted was sent on June 12, 2006. A motion to set aside the default judgment, as well as an Answer and exhibits, were sent on June 9 and June 16, 2006. These papers were filed "pro se" by the Registrant, and require amendment.

The Registrant, Phillip Elden, has now retained the undersigned. Upon the verbal consent of Evan Kent, Esq., Mitchell Silberberg & Knupp, LLP, the Registrant hereby files this Motion on Consent to File a Late Amended Answer. It is respectfully submitted that this late filing has caused no prejudice to the Petitioner, as Lucy Arant, Esq. of the Petitioner's firm had already indicated to Phillip Elden that she did not object to the proceeding being re-opened.

Accordingly, this Motion on Consent to File a Late Amended Answer should be accepted, along with the attached Amended Answer.

Please amend the TTAB records to show that (1) Phillip Elden is the Registrant (the assignment was recorded at the Assignment Branch on May 24, 2006, at Reel 3315, Frame 0993), and (2) that the undersigned is now the attorney of record for Phillip Elden.

New York, New York

Date: July 11, 2006

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.


By: 

Susan Upton Douglass

Attorneys for Registrant
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion on Consent to File a Late Amended Answer was sent by e-mail and First-class prepaid mail to Lucy B. Arant, Esq., Mitchell Silberberg & Knupp, LLP, 11377 Olympic Boulevard, Suite 603, Los Angeles, California 90064, this 11th day of July, 2006.


Susan Upton Douglass

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Registrant's Ref.: IDOL USA TC-06/05449

In re Registration No. 3,049,295
Trademark: IDOL WRITER

-----X		
FREEMANTLE MEDIA NORTH	:	
AMERICA, INC. ,	:	
	:	
Petitioner,	:	
	:	
- against -	:	Cancellation No. 92045648
	:	
PHILLIP ELDEN,	:	
	:	
Registrant.	:	
-----X		

AMENDED ANSWER

The Registrant, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., hereby responds to the Petition for Cancellation as follows, and requests that the previously filed Answer be superseded by this Amended Answer:

- 1) Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.
- 2) Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2.
- 3) Admits that Registrant is the owner of Registration No. 3,049,295 for the mark IDOL WRITER for entertainment in the nature of songwriting contests in International Class 41, and denies that it first used the mark in commerce at least as early as January 1, 2004, denies knowledge or information sufficient to form a belief as to the remaining allegations contained in Paragraph 3.

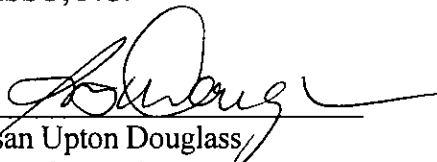
- 4) Denies the allegations contained in Paragraph 4.
- 5) Denies the allegations contained in Paragraph 5.

WHEREFORE, Registrant requests that the Petition for Cancellation be dismissed.

New York, New York
Date: July 11, 2006

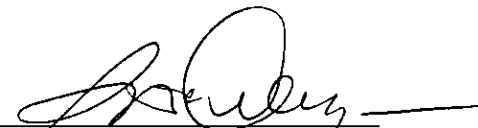
Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Susan Upton Douglass
Attorneys for Registrant
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Amended Answer was sent by e-mail and First-class prepaid mail to Lucy B. Arant, Esq., Mitchell Silberberg & Knupp, LLP, 11377 Olympic Boulevard, Suite 603, Los Angeles, California 90064, this 11th day of July, 2006.


Susan Upton Douglass